

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

L.B. and M.B., on behalf of their minor child
A.B., and on behalf of similarly situated others;
L.B.; M.B., C.M. and A.H., on behalf of their
minor child J.M., and on behalf of similarly
situated others; C.M.; and A.H.,

Plaintiffs,

v.

PREMERA BLUE CROSS,

Defendant.

NO. 2:23-cv-00953-TSZ

[PROPOSED] STIPULATED JUDGMENT

The following issues have been considered and a decision rendered as described in Dkt. No. 169. Specifically, the Court CONCLUDES that Defendant Premera Blue Cross (“Premera”)’s Medical Policy – 7.01.557 violates Section 1557 of the Affordable Care Act (“ACA”), 42 U.S.C. § 18116, by facially discriminating on the basis of sex, and GRANTS summary judgment in favor of Plaintiffs as to Count I of their Second Amended Complaint [Dkt. 34], entitling Plaintiffs to declaratory relief. The Court further CONCLUDES that Plaintiffs failed to comply with the exhaustion requirements of the Age Discrimination Act, 42 U.S.C. §§ 6101, *et seq.*, and GRANTS in part and DENIES in part Premera’s Cross-Motion for Summary Judgment as to Count II of Plaintiffs’ Second Amended Complaint. Count II of Plaintiffs’ Second Amended Complaint is

[PROPOSED] STIPULATED JUDGMENT – 1
[Case No. 2:23-cv-00953-TSZ]

SIRIANNI YOUTZ
SPOONEMORE HAMBURGER PLLC
3101 WESTERN AVENUE, SUITE 350
SEATTLE, WASHINGTON 98121
TEL. (206) 223-0303 FAX (206) 223-0246

1 hereby DISMISSED with prejudice. The Court also denied Plaintiffs' Motion for Class
2 Certification. Dkt. 169.

3 Accordingly, the Court enters declaratory judgment in favor of Plaintiffs, on an individual
4 basis, for their claim for a violation of Section 1557 of the ACA based on facial sex discrimination
5 and hereby DECREES AND ADJUDGES that "Premera's Medical Policy – 7.01.557 violates
6 ACA § 1557 by facially discriminating on the basis of sex." Dkt. 169 at 31.

7 Additionally, considering the parties' wishes to forgo trial on the remaining issues and joint
8 stipulation, the Court further DECREES AND ADJUGES:

9 Plaintiffs L.B. and M.B., on behalf of their minor child A.B., are entitled to payment by
10 Premera of \$25,750 for their out-of-pocket expenses and \$1 in nominal damages each in relation
11 to A.B.'s claims for discrimination on the basis of sex under Section 1557 of the ACA.

12 Plaintiffs C.M. and A.H., on behalf of their minor child J.M., are entitled to payment by
13 Premera of \$1 in nominal damages each in relation to J.M.'s claims for discrimination on the basis
14 of sex under Section 1557 of the ACA.

15 The parties agree to defer any determination of whether Plaintiffs are entitled to payment
16 by Premera of their attorneys' fees and litigation costs pursuant to 42 U.S.C. § 1988 until a final
17 adjudication of any appeal of this judgment. Should no appeal be taken, the parties will propose a
18 briefing schedule on this issue within 45 days of the filing of this Order.

19 This stipulation is without waiver of any party's right to appeal any issue in this case,
20 including but not limited to any or all parts of the Court's decision in Dkt. No. 169.

21 DATED: _____, 2025.

22
23 _____
24 THOMAS S. ZILLY
25 United States District Judge
26

1 Presented by:

2 **SIRIANNI YOUTZ**
3 **SPOONEMORE HAMBURGER PLLC**

4 /s/ Eleanor Hamburger

5 Eleanor Hamburger (WSBA #26478)

6 Daniel S. Gross (WSBA #23992)

7 3101 Western Avenue, Suite 350

8 Seattle, WA 98121

9 Tel. (206) 223-0303

10 Email: ehamburger@sylaw.com

11 dgross@sylaw.com

12 **LAMBDA LEGAL DEFENSE AND**
13 **EDUCATION FUND, INC.**

14 /s/ Omar Gonzalez-Pagan

15 Omar Gonzalez-Pagan (Admitted *Pro Hac Vice*)

16 120 Wall Street, 19th Floor

17 New York, NY 10005

18 Tel. (646) 307-7406

19 Email: ogonzalez-pagan@lambdalegal.org

20 *Attorneys for Plaintiffs*

21 **KILPATRICK TOWNSEND**
22 **& STOCKTON LLP**

23 /s/ Gwendolyn C. Payton

24 Gwendolyn C. Payton, WSBA No. 26752

25 1420 5th Avenue, Suite 3700

26 Seattle, WA 98101

Tel. (206) 467-9600

Email: gpayton@ktslaw.com

/s/ Stephanie Bedard

Stephanie Bedard (Admitted *Pro Hac Vice*)

1100 Peachtree Street NE, Suite 2800

Atlanta, GA 30309

Tel. (404) 541-6039

Email: sbedard@ktslaw.com

Attorneys for Premiera Blue Cross